

Remarks

Applicants appreciate the allowance of claims 1-3. Claims 1-3 and 14-21 remain pending.

Claim Rejections – 35 USC 112

The rejection of claims 14-21 under 35 USC 112 and 35 USC 102(b) is respectfully traversed.

Notwithstanding applicants' belief that all claims were in fact fully supported by the application as originally filed, applicant has amended claims 14, 17 and 21 to remove the language referring to "liquid feed system" and "chamber pressurization path" in favor of more simple language. By way of example, regarding claim 21:

an example of the claimed "liquid input in communication with liquid discharged from the discharge port" is shown in Fig. 2 and in paragraph [022] as via the valve 58 when in the open condition; and

an example of the claimed "path in communication with liquid that enters the liquid input, the path leading to the liquid chamber" is shown in Fig. 2 and in paragraph [024] as being via line 54A that leads to chamber 46; and

an example of the claimed "liquid output path for diverting some liquid that enters the liquid input to a liquid output" is shown in Fig. 2 and described in paragraph [024] as being the path along line 60, through exhaust valve 62, into line 60A and through the orifice 66.

Accordingly, claim 21 is fully supported by the specification as filed, and the 112 rejection should be withdrawn. Each of claims 14 and 17 has been amended in a similar manner, and therefore the 112 rejection of all of claims 14-21 should be withdrawn for the same reasons.

The specification and drawing objections should be withdrawn for the same reasons noted above.

Claim Rejections – 35 USC 102

The rejection of claims 14-21 as being anticipated by Toyooka et al. is respectfully traversed.

Toyooka et al. is directed to a hydraulic control system used on construction machines such as hydraulic excavators and cranes. The system is designed to deliver a pressure sufficient to maintain needed hydraulics.

The examiner suggests that Toyooka includes a liquid receiving chamber (13a or 13b). Claims 14, 17 and 21 all require that the liquid chamber be "adjacent the movable member" and that the movable member be "operatively connected with a throttle link and biased to place the throttle into a standard operating position." Under the examiner's analysis the claimed "movable member" in Toyooka would therefore have to be the unnumbered piston and piston rod of the hydraulic cylinder. However, the piston and piston rod in Toyooka (i) is not biased toward any specific position and (ii) is not operatively connected to any throttle link that is biased to place the throttle into a standard operating position, as required by each of independent claims 14, 17 and 21. Rather, the piston and piston rod in Toyooka would be linked to some hydraulically controlled component of a construction machine. The 102(b) rejection falls short for these reasons alone. Claims 14, 17 and 21 are distinguished over Toyooka.

Moreover, the assertion in the action that the functional language of claims 14, 17 and 21 does not lend patentable weight to the claims is incorrect. These limitations define the structural relationship between the various components of the claimed throttle mechanism. Either the prior describes components that are structurally related to act in the same functional manner or it does not. It is irrelevant for the purpose of evaluating patentability of the present claims whether a prior art device was in fact ever actually subjected to the claimed "threshold higher pressure" that caused (i), (ii) and (iii) to happen. Rather, the question is whether the prior art teaches a device in which the components are structurally related so that (i), (ii) and (iii) would have happened at some threshold high pressure. This distinction is clear, and these limitations cannot be ignored.

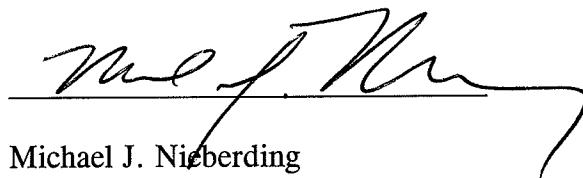
Additionally, relative to claim 17, such claim also requires the liquid input comprises a relief valve having a pressure limit set at the threshold high pressure, the liquid output comprises a flow limiting orifice. Toyooka lacks any such structure.

Based upon the foregoing, applicant submits that all pending claims are in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees required (including the fee for any extension of time), or to credit any overpayment, to Deposit Acct No.: 20-0809.

Please contact the undersigned attorney with any questions regarding this response.

Respectfully submitted,



Michael J. Nieberding
Reg. No. 39,316

THOMPSON HINE LLP
Thompson Hine LLP
P.O. Box 8801
Dayton, OH 45401-8801
Telephone: (513) 352-6719
Facsimile: (937) 443-6635
E-mail: IPGroup@thompsonhine.com

632666